

Open Meeting Law Changes

Protocol Regarding Minutes, Meeting Postings,
Meeting Participation, and Executive Session



July 20, 2010

New Open Meeting Law

Effective July 1, 2010

- Enforced by Attorney General (no longer District Attorney) under newly created Department of Open Government
- Changes affect executive session, minutes, meeting postings, public records, and communications among members of Boards, Committees, Commissions, and Work Groups

Minutes – Basic Contents

REQUIREMENT	NEW LAW	OLD LAW
Time, date, place of meeting	Y	Y
Summary of Discussions	Y	N
Actions taken	Y	Y
Record of all votes cast	Y	N
Members absent or present	Y	Y
Arrival or Departure time of members during meeting	Y	N
List of materials used at meeting	Y	N

Minutes – Other Requirements

REQUIREMENT	NEW LAW	OLD LAW
Drafts part of official record	Y	N
Minutes approved in timely manner	Y	N
Draft available within 10 days	Y	N
No minutes a violation of OML	Y	Y
Minutes MUST be maintained, and made available to the public	Y	Y

Minutes – Sample Format and Content

- XYZ Commission – Monday, June 10, 2010 – Land Bank Meeting room
- Called to order – 3 PM
- Members Present: Mary Malcolm, Chair, Sam Slade, Tom Tracy, Gerald Gomes
- Absent: Parker Pratt, Anna Allen
- Agenda – Adopted Unanimously
- Tom Tracy left meeting at 3:20 PM, returned at 3:25 PM
- List of documentation and exhibits used at meeting: TWO OPTIONS:
 1. INCLUDE WITH each agenda item
 2. INCLUDE MASTER LIST at the end of Minutes
- Summary of discussions per topic and action/s taken
- Meeting adjourned at 3:30 PM

Sample list of documentation used at meeting:

Membership list – 2010

Annual Meeting Calendar – 2010

Pictures of Annual Gathering - two

Meeting Postings – Basic Contents

REQUIREMENT	NEW LAW	OLD LAW
Filed with Town Clerk	Y	Y
Visible to the public 24/7	Y	N
48 hours in advance	Y	Y
48 hours excludes Saturday & Sunday	Y	N
Time, date, place of meeting	Y	Y
List of anticipated topics to be discussed	Y	N

SAMPLE Meeting Posting Content

- Nantucket XYZ Commission
- 3:00 PM Monday June 10, 2010, Nantucket Land Bank Meeting Room, 22 Broad Street
- List of topics anticipated to discuss:
Reports from Committees: Hospitality, Membership, Fundraising, Public Relations
- Decisions to be Made: Dates for 2011 Fair
- POSTED: Mary Malcolm, Chair

Meeting Participation – NEW!

- Within two weeks of taking office, members must certify with the Town Clerk they have received and understand the contents of the OML
- E-mail communication between Board, Committee, Commission, or Work Group members of can only include establishment of meeting dates, times, and locations
- Staff can distribute and receive information via e-mail.

Meeting Participation – Modifications to old regulations

- Any person who intends to make audio or video recordings, or media transmittal shall notify the Chairman, who shall notify other attendees

Executive Session

- Posting for executive session must be specific (ex: “to discuss disposition of real estate,”) without revealing nature of meeting
- Must first convene in open session
- Motion for executive session must be specific, without revealing nature of meeting
- Roll call vote
- Chair states whether meeting will reconvene in open-session after executive session

Purposes for Executive Session

1. Discuss reputation, character, health, discipline, charges, complaints, but not professional competence of individual
2. Conduct strategy sessions in preparation for negotiations, to conduct collective bargaining sessions or contract negotiations, with nonunion personnel
3. Discuss strategy for collective bargaining or litigation*
4. Security personnel or devices
5. Criminal misconduct

**If holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.*

Purposes for Executive Session

- 6. Acquisition of real property*
- 7. Comply with law or grant-in-aid requirement
- 8. Preliminary screening for employment*
- 9. Confer with mediator on litigation or decision
- 10. Trade secrets in the course of activities conducted by a public body as an energy supplier

**If holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.*